



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/954,612

09/12/2001

Ping Liu

034300-172

8236

7590

11/16/2005

ROBERT E. KREBS
THELEN REID & PRIEST LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640

EXAMINER

CAO, CHUN

ART UNIT

PAPER NUMBER

2115

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/954,612	LIU, PING	
	Examiner	Art Unit	
	Chun Cao	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/25/05 and RCE filed 10/7/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-10,12,13 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8-10, 12, 13 and 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2115

DETAILED ACTION

1. Claims 1, 2, 4-6, 8-10, 12, 13 and 16-23 are presented for examination. Claims 3, 7, 11, 14, 15 and 24 were canceled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/26/05 has been entered.
3. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

Claim Objections

4. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 8 is depended on claim 7 (canceled claim).
5. The rejections are respectfully maintained to the extended that is applicable to the amended claims and reproduced infra for applicant's convenience.

Claim Rejections - 35 USC § 112

Art Unit: 2115

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 2, 4-6, 8 and 16-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the antenna" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 2, 4-6 and 8 are rejected because they incorporate the deficiencies of claim 1.

Claim 16 recites the limitation "the position" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claims 17-23 are rejected because they incorporate the deficiencies of claim 16.

8. Claims 1, 2, 4-6, 8-10, 12, 13 and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al. (Fuller), U.S. patent no. 5,768,605 in view of Johnson et al. (Johnson), U.S. patent no. 6,573,868.

As per claim 1, Fuller discloses power control for a peripheral device insertable into a host device [figures 5-7], the power control comprising:

a switch [350, fig. 7] configured to generate a signal that simulates an insertion and removal of the peripheral device within the host device such that power from the host device will be supplied to the peripheral device when simulating the peripheral device is inserted into the host device and power will be removed from the peripheral

Art Unit: 2115

device when simulating the peripheral device is removed from the host device [figs. 5-7; col. 5, lines 25-38];

wherein the peripheral device is not physically inserted or removed from the host device [col. 1, line 64-col. 2, line 15; col. 4, lines 18-26];

a lever coupled to the switch and in contact with a retractable communication connector, the lever configured to detect a position of the retractable communication connector [fig. 7; col. 5, lines 10-22; emphasis added, Fuller inherently discloses a lever coupled the switch 350 in order for node A and node B are coupled together when the retractable communication connector in position P2], wherein the switch is configured to generate the inserted signal upon extension of the retractable communication connector [364, fig. 7] of the peripheral device and configured to generate the removed signal upon retraction of the retractable communication connector [col. 5, lines 25-38].

Fuller does not explicitly disclose that the switch is generated a signal base on the position of an antenna whether supply power to the peripheral device.

However, Johnson discloses that a switch [figures 6a, 6b] is configured to generated a signal base on the position of an antenna whether supply power to the peripheral device [figures 12a, 12b; col. 13, lines 1-15; col. 15, line 66-col. 16, line 12; col. 16, lines 42-47].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Fuller and Johnson, because they teach a communication PC card and the specific teaching of Johnson that would improve the functionality of Fuller's system by performing a wireless communication using an antenna.

As per claim 2, Fuller discloses that the switch is configured to generate an inserted signal simulating insertion of the peripheral device and a removed signal simulating removal of the peripheral device [figs 5-7; col. 4, lines 34-48; col. 4, line 61- col. 5, line 9; col. 5, lines 25-38].

As per claim 4, Fuller discloses that the switch is electrically connected to detecting pins of the host device, the detecting pins determining whether the peripheral device is inserted or removed from the host device [fig. 7; col. 5, lines 11-38].

As per claim 5, Fuller discloses that the switch is operative to generate an open circuit as the removed signal and a low voltage level as the inserted signal [figs 5-7; col. 4, lines 34-45; col. 5, lines 2-9].

As per claim 6, Fullers discloses that the low voltage level is a ground potential [figs 5-7; col. 4, lines 34-45; col. 5, lines 2-9].

As per claim 8, Fullers discloses that the peripheral device is a PCMCIA card [figs. 2a, 2b; col. 5, lines 11-12].

As to claims 9, 10 and 12-13, Fuller and Johnson teach the claims 1, 2 and 4-6. which basically are the corresponding elements that are carried out the method of operating steps in claims 9, 10 and 12-15. Accordingly, claims 9, 10 and 12-13 are rejected for the same reason as set forth for claims 1, 2 and 4-6.

As to claims 16-23 are written in mean plus function and contained the same limitations as claims 1, 2 and 4-6. Therefore, same rejection is applied.

9. Applicant's arguments filed on 8/25/05, which have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1, 2, 4-6, 8-10,

Art Unit: 2115

12, 13 and 16-23 have been considered but are moot in view of rejection indicated above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nov. 8, 2005


CHUN CAO
PRIMARY EXAMINER